

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Bennett Grazing Renewal

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0002-DNA

For Further Information Please Contact:

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BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0037-EA
	DATE POSTED: 10/23/2012
NAME: Carter Co. Projects 2013 EA	DATE DUE: 11/15/2012
	FUNDING: 8100
LOCATION: Foster PPL Extension T9S R58E Sec. 13 SWNW; Sec. 14 SENE, N2NE, E2NW; Sassy PPL T6S R61E Sec.13 W2NE, E2NW, NWSW, E2SE; Sec. 24 W2; Sec. 25 NWNE, NENW; Carter County (All Project) See attached Maps	Foster PPL Extension #419876 Sassy PPL # 015937

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Patrick Merrill	Range Tech	Completion

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife Review	11/21/12 BJB
CJ Truesdale	Archaeology	Cultural	<i>CJ</i> 12/13/2012 <i>MT-020-12-256</i> <i>MT-020-13-03</i>
Dena Lang	Outdoor Recreation Planner	VRM	12/12/12/DJL
Reyer Rens	Supervisory RMS	Review	RR 12/17/2012

ENVIRONMENTAL COORDINATOR

DATE

ENVIRONMENTAL ASSESSMENT

PROPOSED ACTION/TITLE TYPE: Carter Co. Projects 2013 EA

EA NUMBER: DOI-BLM-MT-C020-2013-0037-EA

RIPS NUMBER: Foster PPL Extension #419876

Sassy PPL #015937

LOCATION OF PROPOSED ACTION:

Foster PPL Extension: T.09S., R.58E., Sec. 13&14

Sassy PPL: T.06S., R.61E., Sec. 11,12,13,24 & 25

Carter County (All Project)

See attached Maps

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: 10/23/2012

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP Record of Decision ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...”Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD, states “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 11/29/2012 for public information requests. Internal scoping identified the issues below. No issues were brought forth by the public.

ISSUES IDENTIFIED THROUGH SCOPING:

- Cultural:
- Livestock Grazing:
- Vegetation:
 - Effects on native vegetation
- Wildlife:
 - Effects to sage grouse
 - Effects to crucial winter range habitats

PURPOSE AND NEED: The purpose of the Environmental Assessment is to analyze the effects of improved distribution and enhanced livestock water resources on public land in portions of Carter County. The need is to replace or augment the current livestock watering facilities. Current livestock water pits and reservoirs are not keeping up with livestock needs. The improved watering facilities will help the allotments continue to meet the Standards for Rangeland Health under current permitted management practices.

PROPOSED ACTION: The Bureau of Land Management proposes to design, contract and inspect, upon completion, the installation of two pipelines. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for each of the wells. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at each watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds for the installation of pipe and apertures for these projects. The selected routes have been approved by needed specialists. Blading may occur along pipeline routes to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of all tank locations as specified in the cooperative agreement.

Construction activities associated with the Foster pipeline will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer and antelope. In addition, construction activities will not occur for both the Foster and the Sassy pipelines between April 15 to July 15 to protect migratory bird species and associated nesting activities.

Foster PPL Extension #419876: The proposed action is to design, contract, inspect and construct a pipeline at the location shown on the attached map. The proposed pipeline is approximately 6,700 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed.

This pipeline will cross public land. Pipeline will consist of two tanks that are accessible by both sheep and cattle. Water will be furnished by a well that is located on private lands located at T.06N. R.58E. Sec. 24 SENE. This is an extension to the Foster PPL that was installed in 2001. Wildlife escape ramps will be required in tanks on public lands.

Sassy PPL # 015937: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The proposed pipeline is approximately 11,505 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public and private lands. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. The Sassy PPL will consist of three livestock watering tanks on public lands and three livestock watering points on private lands. All tanks will be equipped with a float valve. No overflow assembly will be required. Water will be furnished by a well that is located on private lands located at T.06N. R.62E. Sec. 30 SESE. Wildlife escape ramps will be required in tanks located on public lands.

ALTERNATIVE 1 - NO ACTION: These projects will not be authorized and construction of these pipelines would not be completed.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values	X		
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian		X	
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice			X

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Forestry, Hydrology, Lands/Realty, Geology/Minerals, Recreation, Socio-economics.

Cultural: The cultural environment of the Miles City Field Office as of May 2005 contained 7065 prehistoric and 2869 historic archeological sites as well as 1929 paleontological localities. Archeological sites occur in all counties encompassed by the field office; all but Roosevelt County contain paleontological localities (Aaberg et. al. 2006). Paleontological localities primarily occur within the Hell Creek and Fort Union geologic formations. 95% of all paleontological localities occur in Garfield, Carter, Dawson, McCone, Powder River, and Treasure Counties.

The overall archeological site density of the Miles City Field Office (historic and prehistoric) is 1 site per 93 acres (Aaberg et. al. 2006). Prehistoric sites distribute at 1 site per 130.8 acres (4.9/sq. mile). Historic sites distribute at 1 site per 322 acres (2/sq. mile) for all surveyed acres within the Miles City Field Office. Archeological sites within Carter County contain 7% of all recorded prehistoric sites and 15% of all historic sites within the Miles City Field Office (Aaberg et. al. 2006).

The Class III Cultural Inventory of 15.93 acres for the Foster pipeline extension portions of the proposed action resulted in the recordation of one isolated find and one cultural site, MT-020-13-03-Site1. The isolate is a GLO cadastral marker from 1917 and modern broken glass. The cultural site is a system of water spreaders originally constructed in 1951 and rebuilt in 1967; both times by the BLM. The site is not considered eligible for listing in the National Register of Historic Places. See associated project report MT-020-13-03.

The class III cultural resource inventory of 43.93 acres for the proposed Sassy Pipeline portions of the project did not yield in the recording of any sites or isolates. See associated project report MT-020-12-256.

Grazing Administration:

Foster PPL Extension: Foster PPL Extension is located within the Wyotana Ranch Allotment #10615. The allotment consists of 6,038 acres of public land rated at 726 Aum's, 5,150 acres of private land and 1,518 acres of state land. There are no changes to the current grazing management with the allotment.

Sassy PPL: Sassy PPL is located within the Enerson Allotment #00566. The allotment consists of 4,458 acres of public land rated at 1,013 AUM's, and 6,623 acres of private lands. There are no changes to the current grazing management with the allotment.

Livestock Grazing:

Foster PPL Extension: The Wyotana Ranch Allotment is managed as a cow and sheep operation. Grazing occurs between 06/01-11/02 with both sheep and cattle on public lands with active use. Cattle and sheep may also graze the allotment between 03/01-02/28 on portion considered to be under custodial use. The allotment consists of a 6 pasture grazing rotation. Cattle or sheep are allowed to graze in all of the pastures in accordance to the AMP that was put in place in 1989. The Foster PPL Extension proposal is located within the Northeast Pasture.

Sassy PPL: The Enerson Allotment is managed as a cow/calf operation. The allotment consists of four pastures. The Home Unit Pasture is considered custodial and is authorized for yearlong grazing. The Enerson, Offerdahl and Nelson Pastures are part of a three pasture deferred grazing plan. Grazing within these three pastures is from 05/01-11/30. The Sassy PPL starts in the Home Pasture and proceeds north through the Offerdahl Pasture and ends in the Enerson Pasture.

Soils: Soils in this area have developed in residuum and alluvium derived from late Cretaceous marine shales which consists of black to gray shale with thin strata of claystone, siltstone and bentonite. As a result, soil surface and subsurface textures are commonly clay, silty clay loam, and clay loam. The characteristics of the marine shale parent material dominate the physical and chemical characteristics of the soils. Soluble salts, predominately sodium, are present in most soils of the area. Slope wash concentrates these salts in the lowest parts of the landscape, usually in or near drainages. Concentration of salts may result in a claypan area. Salts in these areas will effect vegetation populations in areas of concentration. Surface crusting on these soils further affects seed growth. Topography is commonly gently rolling. These soils are susceptible to water erosion due to poor infiltration. Limited vegetative cover may result in wind erosion. Reduction of vegetative cover will result in increased wind and water erosion. Soil erosion results in increased suspended and dissolved solids and salt content of streams, damaging water quality. Slopes range up to 25 percent, but commonly average around 8 percent. Near drainages, slopes may be less than two percent. Upland soils are commonly shallow on summits and soil depths increase down slope to deep and very deep on the alluvial fans and flats.

Vegetation: The overall vegetation found within the proposed project areas consists of grass, forb, and shrub species found within the Northern mixed grass prairies. The dominant grass species found on the allotments are western wheatgrass, thickspike wheatgrass, Sandberg's bluegrass, prairie junegrass, and greenneedle grass. Dominant shrub species include Wyoming big sagebrush, greasewood, and saltbrush. There are a variety of forbs present depending on spring moisture. No special status species have been located in the immediate project areas.

Visual Resource Management:

Foster PPL Extension: The portion of this project falls within a VRM Class III objective. The objective of this class is to partially retain the existing character of the landscape. The level of change to the

characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

Sassy PPL: The proposed project falls within a Class IV VRM objective. The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance and repeating the basic elements.

Wildlife:

Foster PPL Extension: Habitat within this area supports game species including mule deer, pronghorn, sage grouse, and waterfowl. Portions of the allotment support both mule deer and pronghorn winter ranges. This allotment is located within the Preliminary Priority Habitat (PPH) polygon for sage grouse as identified in WO-IM-043 (2011). There are two (2) known sage grouse leks located approximately 2.4 and 2.8 miles to the southwest of the project area, and within the allotment boundary. One lek is located on public lands. Sage grouse have been documented in attendance at both lek sites at least once since 2008. Additionally, four (4) leks identified as active are also located within a mile of the allotment boundary. The allotment also supports historic ferruginous hawk nests, one of which has been active in the recent past. Various non-game wildlife species such as songbirds and small mammals also inhabit this area. Habitat for T&E species does not occur within this area.

Sassy PPL: Habitat within this area supports game species including mule deer, pronghorn, sage grouse, and waterfowl. Portions of the allotment support both mule deer and pronghorn winter ranges; however, the area of the proposed action does not. This allotment is located within the Preliminary Priority Habitat (PPH) polygon for sage grouse as identified in WO-IM-043 (2011). Six sage grouse leks are located within 4 miles of the project area, but none closer than 2.3 miles. Various non-game wildlife species such as songbirds and small mammals also inhabit this area. Habitat for T&E species does not occur within this area.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: The proposed Foster Pipeline Extension portions of the proposed action will impact site MT-020-13-03-Site1. The site is not considered eligible for listing in the National Register of Historic Places. No Historic Properties will be adversely affected by the proposed Foster Pipeline Extension. There will be no impact to cultural resources through the proposed Sassy Pipeline portions of the proposed action.

Livestock Grazing: The installation of these pipelines will improve livestock management/distribution and decrease grazing pressure in key areas, on each of these allotments. The new water sources will replace pits and reservoirs that have silted in partially or fully and have become unreliable water sources. The projects implementation will not adjust the livestock numbers and season of use, but assist the allotments grazing strategies in meeting resource objectives and standards for rangeland health.

Soils: Mixing of soil horizons will occur during construction of the pipelines. Mixing may affect

productivity of surface flora and effect subsurface flora and fauna. Compaction of adjacent soils would occur due to equipment operation. Compaction may affect soil productivity until released due to natural means such as freeze – thaw cycles. Soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction and productivity should return to natural conditions.

Vegetation: Localized vegetative disturbance will occur along pipeline routes; however this impact will heal itself and become less evident with time, usually within 1 to 2 growing seasons. The area around the stock tanks will receive disturbance when the pump and hydrants are open for livestock watering. These areas may become weedy with annual vegetation as a result of the livestock use, however the disturbance is considered minimal. In addition, the vegetative area in the proximity of the livestock tanks may receive heavier livestock grazing pressure. This use is expected to be within allowable use parameters and those areas that have had past heavy grazing pressure, also are expected to move into the allowable use levels.

Visual Resource Management: The proposed pipelines within the VRM Class III and IV will create surface disturbance, therefore, affecting the visual landscape by creating color contrast from soil disruption. This disturbance will be short term as re-vegetation will occur with time. Even though this project is allowed within the Class III and IV VRM objective, every attempt should be made to have minimal disturbance and repetition of the basic elements; such as line, form and color. Tank placement should follow existing topography and landform repeating the basic elements in the current natural features of the landscape. Through careful location and placement, the tanks will not dominate the view or attract the attention of the casual observer.

Wildlife: The proposed pipelines will disturb some sagebrush grasslands habitat until re-vegetation occurs. Activities during pipeline construction and associated completion of the project will temporarily displace some wildlife species, but construction timing restrictions will minimize disturbance during important timeframes for wildlife.

These projects will bring additional water sources into pastures within these allotments. Habitat adjacent to the tank locations will be utilized to a greater extent than what has occurred historically. A decrease in sage grouse nesting success, brood survival, or over winter survival is possible within these areas due to a decrease in residual cover and forage quality. However, utilization of sage grouse habitat by livestock should decrease in other areas of the allotments. Habitat adjacent to existing reservoirs would be expected to improve, which may provide better quality habitat for some species such as waterfowl.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Cultural: There will be no impact to cultural resources through no action alternative.

Livestock Grazing: Livestock grazing will continue as usual without dependable water for some allotments and pastures. Current livestock water sources will continue to age and lose reliability. Once these water sources are non-operational, grazing management will need to be adjusted to meet the wildlife and domestic livestock water needs. Management flexibility will be maintained at the current level for now and decrease over time. Areas adjacent to the existing water sources will be utilized at the current degree, being heavy in some instances, increasing over time.

Soils: Plowing, tank development, compaction, and ground-cover removal would not occur. Soils would potentially decline in health because of inadequate livestock distribution continue.

Vegetation: Historic use patterns on upland and riparian vegetation will remain the same. Objectives would not be met to disrupt the current livestock distribution patterns to minimize over utilization on woody hardwood draws and to distribute livestock evenly on the uplands.

Visual Resource Management: No change to the visual landscape would occur.

Wildlife: The no-action alternative would result in no direct habitat loss or wildlife disturbance on public lands.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997.

Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

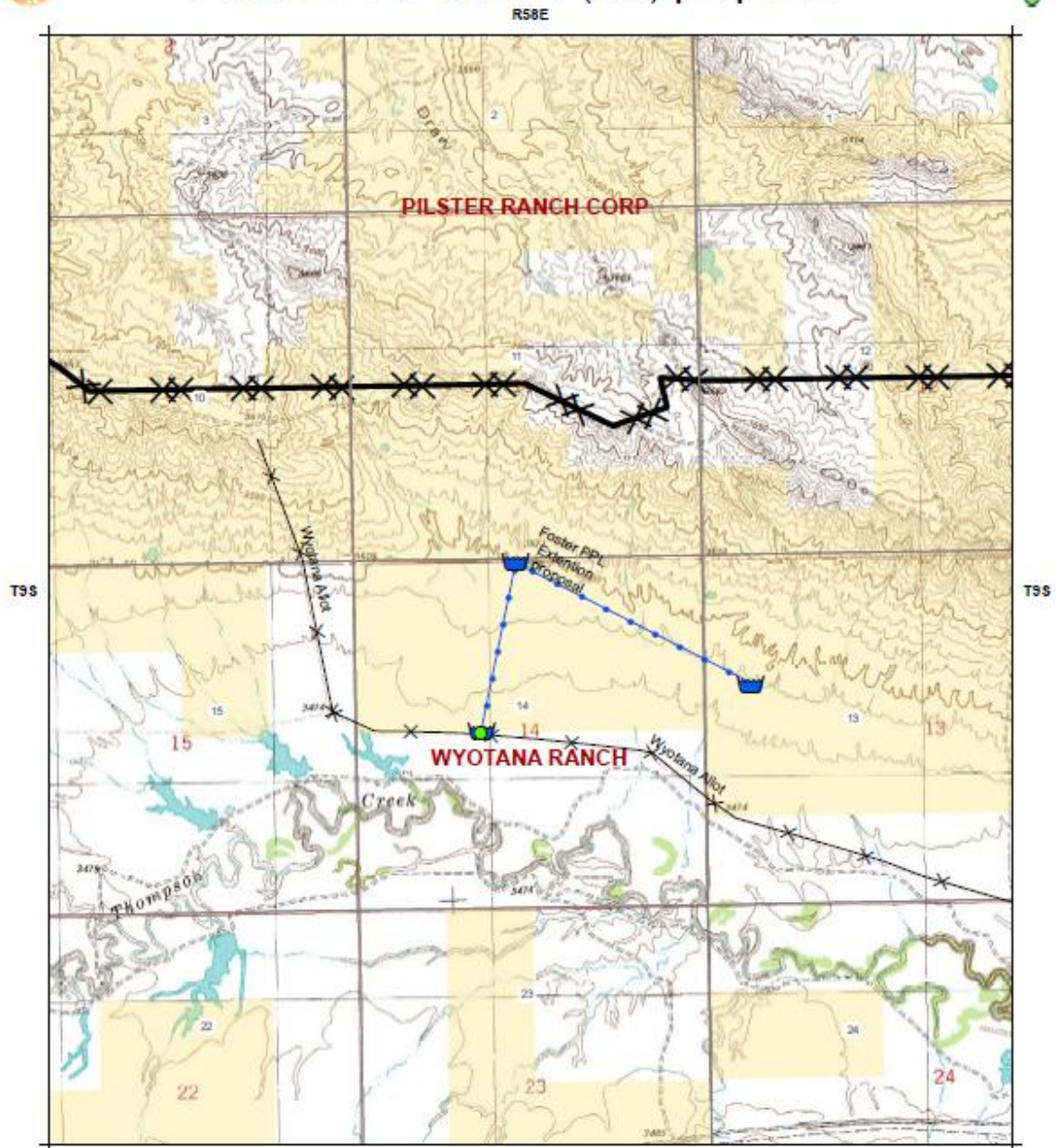
CONSULTATION/COORDINATION: Pilster Ranch Corp.(permittee), Jim and Tauny
Tetrault(permittee)

LIST OF PREPARERS:

Patrick Merrill, Range Tech
Bobby Baker, Wildlife Biologist
CJ Truesdale, Archeologist
Curt Kunugi, Civil Engineer Technician
Dena Lang, Outdoor Recreation Planner
Reyer Rens, Supervisory RMS
Kathy Bockness, Environmental Coordinator



Foster PPL 419876 (ext) proposal



- RIP_point
- RIP_line_ppl
- RIP_line_fence

Oct. 18, 2012

1:24,000
0 0.05 0.1 0.2 0.3 Miles

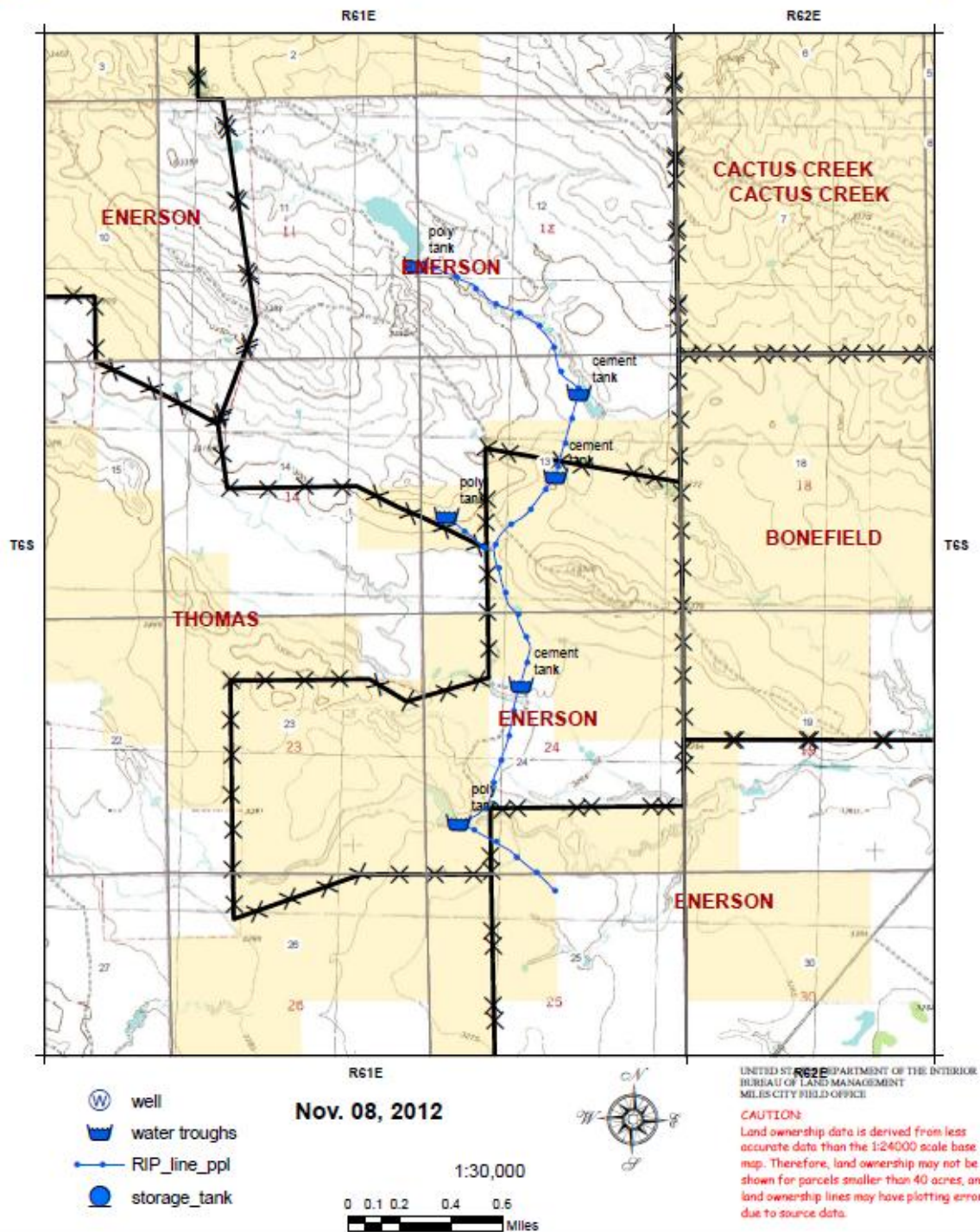


UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



Sassy Pipeline #015937



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
Carter Co. Projects 2013 EA
DOI-BLM-MT-C020-2013-0037-EA**

BACKGROUND

The origin of the environmental assessment was due to several requests from grazing permittees to develop dependable livestock watering location to provide for reliable water due to aging and silted in pits and reservoirs on the public and private lands.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that:

- (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan/Environmental Impact Statement;
- (2) the Proposed Action is in conformance with the Resource Management Plan; and
- (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The Bureau of Land Management proposes to design, contract and inspect, upon completion, the installation of two pipelines. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for each of the wells. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at each watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds the installation of pipe and apertures for these projects. The selected routes have been approved by needed specialists. Blading may occur along pipeline routes to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of all tank locations as specified in the cooperative agreement. Construction activities will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer and antelope. Construction activities will not occur between April 15 and July 15 to minimize impacts to migratory bird species and associated nesting activities.

Foster PPL Extension #419876: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 6,700 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. This pipeline will cross public land. Pipeline will consist of two tanks that are accessible by both sheep and cattle. Water will be furnished by a well that is located on private lands located at T.06N. R.58E. Sec. 24 SENE. This is an extension to the Foster PPL that was installed in 2001.

Sassy PPL # 015937: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 11,505 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. The Sassy PPL will consist of three livestock watering tanks on public lands and three livestock watering points on private lands. All tanks will be equipped with a float valve. No overflow assembly will be required. Water will be furnished by a well that is located on private lands located at T.06N. R.62E. Sec. 30 SESE.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Carter Co. Projects 2013 EA decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

- 1. *Impacts that may be both beneficial and adverse.*** The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Powder River RMP.
- 2. *The degree to which the proposed action affects public health and safety.*** No aspect of the proposed action would have an effect on public health and safety.
- 3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*** There is one known historic or cultural resource site that would be affected by the proposed action. Site MT-020-13-03-Site1 is not considered eligible for listing in the National Register of Historic Places. A review of BLM and Montana SHPO Cultural Resource Records databases indicates that no previously recorded cultural resource sites or paleontological localities have been recorded on public lands within the project area. A class III inventory of the proposed locations recorded one new cultural site and no paleontological localities.

The cultural site is not considered eligible for listing on the National Register of Historic Places. No Historic Properties will be adversely affected by the proposed action (see report number listed in the environmental assessment). There are no parks, prime farmlands, or wild and scenic rivers in the planning area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. Site MT-020-13-03-Site1 is not considered eligible for listing in the National register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no endangered or threatened species or its habitat in the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.

Todd D. Yeager
Field Manager
Miles City Field Office

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION
Carter Co. Projects 2013 EA
DOI-BLM-MT-C020-2013-0037-EA**

DECISION

It is my decision to select the Proposed Action Alternative as described in the Carter Co. Projects 2013 EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the installation of two new pipelines on public lands. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered other alternatives. Alternative 1 the “No Action” alternative would be to not authorize the construction of Foster PPL Extension and Sassy PPL on public land in Carter County.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

The permittees for the propose projects including Foster PPL Extension and Sassy PPL have been consulted. The Carter Co. Projects 2013 EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Carter Co. Projects 2013 EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperators. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperators authorization to proceed with the project.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library

designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager
Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

Todd D. Yeager
Field Manager
Miles City Field Office

Date